

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION**

**LEVEL 3 COMMUNICATIONS, LLC,**

**Plaintiff,**

**v.**

**MICHAEL R. FLOYD d/b/a FLOYD &  
FLOYD CONTRACTORS,**

**Defendant.**

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**Civil No.: 1:09-0082  
Judge Trauger**

**MOTION FOR PHONE CONFERENCE  
REGARDING DISCOVERY ISSUE**

Comes now the Defendant, MICHAEL R. FLOYD d/b/a FLOYD & FLOYD CONTRACTORS (“Defendant”), by and through counsel, and moves to schedule a phone conference with the Court as required by the Court’s Initial Case Management Order (Doc. 18). In support, the Defendant states the following:

1. The Court’s Initial Case Management Order (Doc. 18) states that “[n]o motions concerning discovery are to be filed until after the parties have conferred in good faith and, unable to resolve their differences, have scheduled and participated a phone telephone conference with Judge Trauger.”

2. The parties’ respective attorneys have conferred in good faith and are unable to resolve their differences regarding a discovery dispute.

3. Based upon communications with opposing counsel, the respective attorneys for the parties would be available for a telephone conference with the Court on Tuesday, February 22, 2011. If such time is not available to the Court, counsel for the Defendant will cooperate with opposing counsel to schedule a phone conference at a time convenient to the Court.

WHEREFORE, premises considered, the Defendant respectfully requests that the Court set a phone conference as provided by the Court's Initial Case Management Order.

Respectfully submitted,

DuBOIS, DuBOIS & BATES, P.C.

By: /s/ David A. Bates  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of this document via the Court's CM/ECF system to the following on February 20, 2011:

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/s/ David A. Bates